

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MARK JACKSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:06CV153 LMB
)	
CHUCK DWYER, et al.,)	
)	
Defendants.)	

ORDER AND MEMORANDUM

This matter is before the Court on its own motion. Plaintiff, a pro se prisoner, has brought suit under 42 U.S.C. § 1983 against several employees of Missouri's Southeast Correctional Center.

Plaintiff filed his original Complaint on September 18, 2006. Plaintiff filed his First Amended Complaint on November 1, 2006. In the First Amended Complaint, plaintiff has failed to reallege any of the facts he alleged in his original Complaint. A careful review of the pleadings suggests that plaintiff did not intend to abandon all of his claims when he filed his First Amended Complaint. However, the filing of an amended complaint replaces the original complaint, and claims that are not realleged are deemed abandoned. E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005).

In the interests of justice, I will allow plaintiff to file a Second Amended

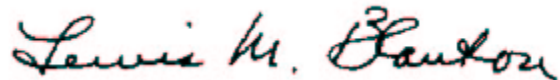
Complaint that includes all of his claims for relief and that names each and every party he intends to bring suit against. Plaintiff shall have twenty (20) days to file his Second Amended Complaint.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall file an appropriate Second Amended Complaint **no later than twenty (20) days from the date of this Memorandum and Order**.

IT IS FURTHER ORDERED that if plaintiff fails to file a Second Amended Complaint within twenty days, that this case will be dismissed without prejudice.

Dated this 14th day of November, 2006.

A handwritten signature in black ink, reading "Lewis M. Blanton". The signature is written in a cursive style with a red horizontal line underneath it.

LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE